

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMONI NEIUFI, SIOSAIA NAEATA, TRÉ
JAMES, and LEE CROSBY,

Plaintiffs,

vs.

SNOW GARDEN APARTMENTS and
ANTHONY WILLIAM DAVIS,

Defendants.

ORDER

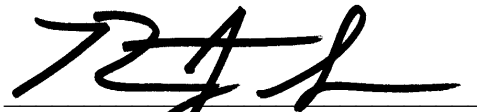
Case No. 2:12-cv-774

The Plaintiffs in the above-captioned matter object to the Reply Brief (Dkt. 50) that the Defendants filed in support of their Motion for Summary Judgment (Dkt. 40). The Plaintiffs allege that the Defendants included new evidence in their Reply in the form of a Declaration from Ashley Jensen, the manager of Snow Garden Apartments. The Defendants respond that Ms. Jensen's Declaration is appropriate under DUCivR 56-1(d), which authorizes a moving party to cite to additional evidence in their reply "to rebut a claim that a material fact is in dispute."

The court has carefully considered the materials submitted by the parties and **OVERRULES** the Plaintiffs' Objection (Dkt. 55). The court will not strike any part of the Defendants' Reply. But the court grants the Plaintiffs leave to file a surreply brief of not more than five pages if they wish to respond to any facts asserted in Ms. Jensen's Declaration. The Plaintiffs must file their surreply within ten days from the date of this Order.

SO ORDERED this 25th day of October, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJH', written over a horizontal line.

ROBERT J. SHELBY
United States District Judge